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Remarks

Substance of Personal Interview:

The applicants' would like to thank Examiner Nobahar and Primary Examiner Arani, for granting a personal interview on Wednesday April 25, 2007. During the interview, the applicants' pointed out that a financial institution corresponding to a bank is different from a financial institution corresponding to a business information provider (such as Dun & Bradstreet) as taught by Berg. It was established that whereas a bank shares a fiduciary relationship with its customers (i.e., users), a business information provider is in the business of selling information about the user and therefore does not share a confidential, or trusted, pre-existing relationship with the user. It was thus agreed that Berg does not teach a bank as claimed.

Status of the Claims

Claims 2, 4, 9-12 and 14-20 are pending in this application. Claims 1, 3, 5-8 and 13 have been canceled. Claims 2, 4, 9-12, 14-17 and 19 have been amended. Claims 15-17 have been amended to include all the limitations of previous claims 1, 6, 5, 7, 8 and 13, respectively. The amendments have been made for the purpose of expediting prosecution, therefore the applicants' reserve the right to pursue the canceled claims in a continuing application. No new issues have been raised. Claims 2, 4, 9-12 and 14-20 stand rejected under 102(e) by Berg et al. (U.S. Patent Publication No. 2002/0188481; hereafter "Berg"). The prior art rejections are addressed below.

Rejections under 35 U.S.C. 102

Claims 2, 4, 9-12 and 14-20 stand rejected under 35 USC 102(e) as being anticipated by Berg. These rejections are respectfully traversed.

Regarding independent claims 15, 16 and 17, the systems and methods of Berg disclose various "entities" including: users (20) (e.g., marketplaces, buyers, sellers); a JV Authority (30); a Registration Authority (40); a Credential Issuing Authority (50); etc. (see, Figure 1). In operation, users (20) initially submit identifying information to a Joint Venture (JV) Authority (30). The JV Authority (30) (asserted by the Office to correspond to the Central Entity) processes the identifying information with information contained in a database of business information providers for verification [0007], [0063]. In addition, the JV authority (30) itself may be a business information provider such as Dun & Bradstreet, etc. The business information provider may provide information such as: contact information, financial risk assessment, financial viability, credit-worthiness, credit score, profitability, etc. [0005], [0006].

Berg teaches providing the user with a digital certificate (asserted to correspond to the SecureCode or "digital identity"). Even though Berg does not explain digital certificates in detail, it is well recognized in the art that digital certificates involve downloading software to use and protect the digital certificates. For example, Berg discloses that the roaming security credentials are downloaded and stored on a user's system [0007], [0066].

However, digital certificates are susceptible to many well-known security holes. One problem is that of properly identifying users in the first place. If the Certificate Authority does not follow a rigorous procedure for identifying users, there is no

guarantee that the owner of a certificate is who they claim to be. For example, some Certificate Authorities may require a user to present a photo ID or birth certificate, while others may only require name, address, and date of birth (which may be easily forged). Another problem is that it is not always known whether the Certificate Authority itself can be trusted. For example, there are many online Certificate Authorities, and most do not need to meet certain standards before they can begin issuing certificates.

Moreover, Berg does not disclose a Central entity or financial institution corresponding to a bank as claimed. Paragraph 9 of the Office Action points to paragraph [0006] of Berg as providing the limitation of a bank, however, no mention or even suggestion of a bank is found in this paragraph or anywhere else in Berg. Moreover, the provisional application 60/243,601 to which Berg claims priority also does not disclose a Central entity or financial institution corresponding to a Bank. Therefore, Berg is additionally not qualified as prior art under 35 U.S.C. 102(e) since applicants' invention was filed August 29, 2001 (before the filing date of the non-provisional application.)

There are certain advantages to receiving digital identity from a bank (or even a government institution) as opposed to the business information provider taught by Berg. For example, users already have an existing trusted relationship with their bank. In addition, the bank has certain standards it is required to meet and has a certain reputation to uphold. Thus, the financial institutions of Berg (i.e., Business information providers which are in the "business" of selling information about users as opposed to maintaining a fiduciary relationship with users), do not correspond to a bank as claimed.

To anticipate a claim, a reference must teach each and every element of the claim: "[a] claim is anticipated only if each and every element as set forth in the claim is found,

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either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131. Applicants' maintain that Berg fails to anticipate each and every element of the claims as is the statutory threshold for a *prima facie* rejection under 35 U.S.C. § 102(e). Accordingly, applicants' submit that claims 15-17, and their dependents, are allowable over the prior art.

Conclusion

The applicants' respectfully request reconsideration of the claim rejections based on the above amendments and remarks. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (571) 228-2938.

Respectfully submitted,

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By: 

Shawna J. Shaw
Agent for Applicants
Registration No. 57,091